

629 L LODGING DISTRICT

629.01 Purpose.

This district is intended to provide for the reasonable accommodation of hotel, motel, timeshare, or similar lodging uses and other commercial uses within the community in a manner that:

- is consistent with the Sedona Community Plan or Specific Plan for the area.
- preserves the small town community character of Sedona.
- is compatible in size, scale, intensity and character of use with infrastructure improvements and other land uses in the vicinity of its location.
- integrates, through its design, development, operation and maintenance, a character of use consistent with area conditions, other developments and infrastructure improvements.
- equitably addresses the impacts of its development and operation on present and future community infrastructure needs, as well as the impact of its development on present and future community service needs.
- ensures the provision of appropriate vehicular parking and maneuvering accommodations.
- promote economical and efficient land use with creative design and sensitivity to the natural environment and the unique character of Sedona.
- eliminates or reduces to conformity as quickly as possible all legal nonconforming lodging uses, and particularly those in which individual third party purchasers will share a financial and ownership interest.

629.02 Use Regulations

A. Permitted Uses and Structures

1. Hotel, motels, timeshare, or similar lodging uses designated on a development plan as approved by the Council.
2. Accessory commercial uses designed to serve and provide for the convenience of guests; and

recreational facilities designed primarily for and limited to use by guests of the facility.

3. Administrative and executive offices.
4. Amusement arcades.
5. Antique shops.
6. Apparel stores.
7. Appliance and hardware stores.
8. Auction houses/stores.
9. Auto parts stores, including minor machine services, such as on-site brake rotor turning.
10. Automobile repair, Minor (within completely enclosed building).
11. Barber and beauty shops.
12. Bicycle and moped shops.
13. Blueprint and photocopy services.
14. Books, gifts and stationery stores.
15. Bowling alleys and billiard halls.
16. Campaign headquarters.
17. Candy stores and confectioneries.
18. Catering establishments.
19. Clerical and professional offices.
20. Clubs and lodges for youth (YMCA, etc.).
21. Cocktail lounges and bars.
22. Commercial art galleries.
23. Convalescent homes.
24. Convenience markets with no gasoline pumps.
25. Custom service and craft shops, limited to 3000 square feet of shop floor area.

26. Dairy products stores.
27. Dancing, art, music and business schools.
28. Department stores.
29. Decorating and drapery shops.
30. Drive-in stores and restaurants.
31. Drug stores and pharmacies.
32. Employment services.
33. Financial institutions.
34. Florist shops.
35. Furniture stores.
36. Hobby shops.
37. Janitorial services and supplies.
38. Jewelry stores.
39. Laundry and dry cleaning pick-up and delivery agencies and self-service laundries.
40. Liquor stores.
41. Massage therapy.
42. Medical, dental and related health services for humans, including laboratories and clinics.
43. Mortuaries.
44. Newspaper and magazine stores.
45. Nurseries and garden supply stores, providing that all merchandise, equipment and supplies other than plants are kept within enclosed buildings or a fully-screened enclosure.
46. Office and business machine stores.
47. Pet shops and supplies and feed stores.
48. Printing shops.
49. Private clubs and lodges operated solely for the benefit of the bona fide members.
50. Postal contract stations with no more than 1000 post office boxes.
51. Public and private libraries and museums.
52. Public and private parking facilities.
53. Public utility and public service offices.
54. Public utility and public service substations, pumping plants and similar installations not exceeding six hundred fifty (650) square feet, but not including public utility offices, water tanks, or repair or storage facilities.
55. Radio Stations (commercial) without on-site transmitting towers or without roof-mounted satellite, receive-only earth stations.
56. Religious institutions, columbariums and places of worship in permanent buildings.
57. Restaurants, including sale of alcoholic beverages.
58. Retail bakeries which may include baking and confection making for on-site sale only.
59. Shoe stores, sales and repair.
60. Sign painting shops within a closed building.
61. Single-family residence established as an integral part of the commercial building for exclusive use by the owner, operator or caretaker of the business.
62. Skating rinks.
63. Small appliance repair.
64. Sporting goods stores.
65. Stamp and coin shops.
66. Supermarkets.
67. Swimming pool/spas sales and service.
68. Tailor shops.
69. Taxidermists.

70. Telegraph offices.
71. Television and radio sales and service.
72. Theaters.
73. Tire sales and service, conducted within completely enclosed building.
74. Tobacco shops.
75. Toy stores.
76. Travel agencies.
77. Variety stores.
78. Accessory uses and structures incidental to permitted uses.

B. Uses Subject to Conditional Use Permit

1. Public utility and public service substations, water tanks, pumping plants and similar installations six hundred fifty (650) square feet or greater, but not including public utility offices, repair or storage facilities.
2. Accessory uses and structures located on the same site as a conditional use.
3. Automobile rentals.
4. Post Office
5. Non-profit fund-raising activities that are not conducted within permanent structures and which occur on a more frequent basis than provided for under Sections 407 are subject to the conditional use permit provisions of Section 402.

C. Open Air Businesses subject to the following provisions:

1. Open air businesses are distinct from and not subject to the provisions of Section 407 (temporary uses) in that the duration of use is of a more permanent nature.
2. Open air businesses are subject to the approval of a conditional use permit. In the

conduct of open air businesses, the following standards and requirements shall apply:

- a. Open air business activities shall be conducted on the same lot or parcel as the primary business with which such activities are associated. The area in which displays and business activities occur outside a permanent structure shall be designated "outside sales/display area."
- b. The outside sales/display area shall be an area enclosed and surrounded by:
 1. A building or group of buildings
 2. A masonry wall at least six (6) feet in height (or as otherwise specified for the applicable zoning district)
 3. A combination of the above.
- c. The Commission may authorize other screening as an alternative to masonry walls, provided that the outside sales/display area is properly screened from the view of any contiguous property, right-of-way or easement. Alternative screening may include, but is not limited to, fencing, landscaping or dense live plant material.
- d. Applications for open air businesses are subject to the requirements of Section 402 (conditional use permit). In addition, applications submitted must include:
 1. A plan identifying the entire outside sales/display area and all existing and proposed structures on the same parcel or lot.
 2. A proposed implementation schedule.
 3. The use category(s) for the outdoor sales and displays activities:

Category A	Retail (general retail sales only)
Category B	Professional Services (includes general retail sales and/or professional services)
Category C	Food Services (includes general retail sales, professional

- services and/or food service)
- 4. A brief description of the items to be sold or services to be provided.
- 5. A drawing showing the separate sales/display locations to be used, location and dimensions of items to be displayed, and any furniture, devices or accompanying features used in the outside sales/display area. For food service uses, indicate any heating or cooking devices utilized, source of power, etc.
- 6. Hours of operation.
- 7. Transaction Privilege Tax (TPT) number.
- e. A valid copy of all necessary permits required by state or local health authorities must be on file with the Community Development Department.
- f. Off-street parking for the outside sales/display area shall comply with the provisions of Article 9. The number of spaces shall be consistent with those required in the schedule of off-street parking requirements in Section 912.04.
- g. "Gross floor area" shall be determined by calculating the square footage of the outside sales/display area as depicted on the required site plan. The outside sales/display area may occupy all or a portion of the enclosure described in Section 620.02D.2.b.
- h. Following issuance of a conditional use permit and in accordance with the proposed implementation schedule, the City will inspect the area and items displayed to ascertain compliance with the provisions of these regulations. In addition, the City may inspect such areas and items at any time thereafter to ensure continued compliance.
- i. Any proposed revisions or changes to an approved conditional use permit that would result in an increase in the number of sales/display locations, an increase in floor area or a change in the approved use category shall be submitted in the same

manner, and may be subject to the same approval process as the original review.

- j. If applicant fails to comply with conditions of a use permit, the conditional use permit shall be suspended automatically and may be revoked in accordance with the procedures prescribed in Section 402.10.

k. General Standards

- 1. Outdoor sales and display items, furniture or other associated devices shall not obstruct exits and entrances nor shall they impede free flow of pedestrian traffic.
- 2. The designated outdoor sales/display area shall be kept clean and free from litter and debris at all times.
- 3. To minimize visual impacts and maintain an attractive appearance, the City may require aesthetic enhancements (i.e. decorative and/or architectural embellishments, landscaping, etc.)

- l. Additional conditions may be required as provided in Section 402.05 and 402.06 of this Code.

D. Uses Subject to Temporary Use Permit. Any use prescribed in Section 407.

629.03 Approvals Required

- A. Prior to the establishment of new hotel, motels, timeshare, or similar lodging uses, construction of physical improvements and the issuance of building permits, Council approval of rezoning to the L (Lodging) District shall be obtained as specified in Section 400. Where required, Development Review approval shall be obtained as outlined in Section 401, conditional use permits shall be obtained as outlined in Section 402 and temporary use permits shall be obtained as outlined in Section 407.
- B. Existing projects, properties or units, both within and outside of an existing L District designation or Planned Development District, including without limitations, those presently owned and operated as hotels/motels, condominiums, town homes, planned

developments, bed and breakfasts, country inns, and temporary use facilities, shall not increase the number of lodging units or be converted to hotel, motel, timeshare or similar lodging projects without first obtaining a rezoning approval.

C. All L (Lodging) District rezoning applications are subject to the provisions of Section 400, and are considered as conditional rezoning applications as specified in Section 400. The submittal requirements for the establishment of new hotel, motel, timeshare or similar lodging projects (not including conversions) and other uses in conjunction with the establishment of the L District are as follows:

1. Fill out rezoning application including:
 - a. Name, address and telephone number of record owner(s) of property and of the applicant if not the record owner
2. Letter of Intent or report providing details of the rationale for development and explaining the development proposal. At a minimum, the following topics shall be addressed:
 - a. General description of the development proposal
 - b. Access
 - c. Parking
 - d. Grading and drainage
 - e. Wastewater disposal
 - f. Architectural design of the project
 - g. Vegetation and landscaping
 - h. Signage
 - i. Exterior lighting
 - j. Utility connections
 - k. Special benefits to the City as a result of zone change
 - l. Water balance study relating to proposed project landscaping
 - m. Anything else to fully describe the nature and rationale for the proposed development
3. Proof of ownership of the property or if applicant is not the owner, letter of authorization to file by the owner
4. Site/Landscape plan
5. Typical floor plans

6. Title Report or A.L.T.A. survey showing all easements on the subject property
7. Preliminary grading plans
8. Preliminary drainage plans and report
9. Slope analysis indicating by area the following slope categories:
 - a. 0% < 10%
 - b. 10% < 20%
 - c. 30% < 40%
 - d. 40% and greater
10. In areas with a slope greater than 30% where construction will occur, a soil and geology report identifying areas of unstable slopes
11. Report on effluent disposal methods
12. A circulation plan map delineating the location, classification, names and widths of all major public or private streets and rights-of-way, all public parking areas, pedestrian ways, trails and bikeways within 600 feet of the property boundary
13. A context map and associated text delineating zoning, land uses and land use relationships within 600 feet of the property boundaries
14. A development phasing map and proposed timing schedule delineating the configuration, size in acres and general sequence of development and dedication
15. Traffic impact study
16. List of property owners within three hundred (300') feet of the subject property, and keyed to a map. The list shall be the most current ownership information supplied through the County Assessor's Office
17. Property owners within three hundred (300') feet shall be provided on mailing labels. (two sets)
18. Certification Letter from Applicant stating that the ownership list within three hundred (300') feet is accurate. The Certification Letter shall be notarized
19. Legal description of subject property

20. Filing fee
 21. Any other information required by the Director, to permit completed analysis and appraisal of the project
- D. Timeshare projects shall provide all of the submittal requirements set forth in Section 629.03C and the following:
1. The proposed duration of timeshare intervals
 2. Identification of the timeshare interval as a timeshare estate or timeshare use
 3. Any restrictions on the use, occupancy, alteration, or alienation of timeshare intervals
 4. The recorded declaration of dedication of the project or other project governing instruments or contracts incorporating all covenants of the grantor or lessor and creating the timeshare interests and the provisions of the plan to include organization of an association of timeshare interest owners. The declaration or other documents shall include the general provisions listed in A.R.S. § 32-2197.04 as applicable to the particular timeshare project. The declaration or other documents to be submitted shall include, without limitation, any of the following documents prepared for the timeshare project: Timeshare Declaration, Covenants, Conditions and Restrictions, Declaration of Trust, Cooperative Articles of Incorporation, Bylaws and Proprietary Lease, Vacation Club Master Agreement and Membership Agreement, Vacation License Contract, Articles of Incorporation of Owners Association, Rules and Regulations, and Management or Agency Agreement for the maintenance and operation of the timeshare project and/or timeshare units.
- E. The submittal requirements for hotel, motel, timeshare or similar lodging conversions, include all of the submittal requirements for new facilities as noted in section 629.03C with the exception of items 7 - 10, and also include the following:
1. For hotel, motel, timeshare or similar lodging conversions, a list of all owners of the property being converted, if the property has previously been divided into separately owned units, dwelling units or lots, a list of all owners of such units, dwelling units or lots.
 2. For the conversion of any units in any condominium or town home project or dwelling units in any planned development project, the written statement from not less than 75% of the owners of all existing units or dwelling units in the project indicating their unconditional approval of the hotel/motel conversion signed by such owners not more than 90 days prior to the date of the application for consideration of the project.
- F. A subdivision plat submitted for purposes of creating or describing the units of a timeshare shall not be approved unless and until the property which is the subject of the plat is zoned L (Lodging) District and the proposed timeshare conforms in every respect to the L (Lodging) District zoning regulations in effect at the time of the submittal.
- 629.04 Property Development Standards.** The following property development standards shall apply to a Lodging District development. These requirements are minimums unless otherwise noted:
- A. Site Area: The minimum size of an L (Lodging) District shall be one-half acre.
 - B. Lot Dimensions: All lots shall have a minimum width and depth of 100 feet.
 - C. Lot Coverage. Maximum lot coverage shall not exceed twenty five (25%) percent.
 - D. Floor Area Ratio shall not exceed .50.
 - E. Yards.
 1. There shall be a front yard of not less than fifteen (15') feet in depth.
 2. Interior side yards are not required except wherever the site abuts a lot in any residential district, in which case a twenty (20') foot setback shall be maintained.
 3. Exterior side yards shall be not less than ten (10') feet.
 4. Rear yards are not required except wherever the site abuts a lot in any residential district in which case a twenty (20') foot setback shall be maintained.
 - F. Access. All lots shall have frontage on and vehicular access from a dedicated street unless

other frontage and/or permanent vehicle access has been approved by the Director. Each hotel/motel project building site shall have a minimum easement or right-of-way width for ingress-egress of thirty (30) feet.

- G. Distance between buildings. There shall not be less than ten (10) feet between an accessory building and a main building or between two (2) buildings.
- H. Accessory Structures. Accessory structures and architectural features shall comply with the requirements of Article 9.
- I. Height and Screening Regulations. All buildings, structures, walls and fences shall comply with the provisions of Article 9.
- J. Color and Materials. The exterior color and materials of all buildings, structures, walls and fences shall comply with the provisions of Article 9.
- K. Utilities. Utilities shall be provided in compliance with the provisions of Article 9.
- L. Trees. Trees shall be preserved and planted to comply with the provisions of Article 9.
- M. Outdoor Lighting. Outdoor lighting shall comply with the provisions of Article 9.
- N. Landscaping. The landscaping provisions of Article 9 shall apply.
- O. Off-street Parking. Off-street parking shall comply with the provisions of Article 9.
- P. Signs. Signs shall comply with the provisions of Article 11.
- Q. Design Standards. The provisions of Article 10 shall apply as administered through the Development Review process of Section 401.

629.05 Adoption of Development Plan. The development plan and supporting statements and documents submitted with the application for a project in conjunction with L District rezoning shall be approved and adopted by the Council and included in the ordinance establishing the L (Lodging) District. All development within the L (Lodging) District shall comply with the plans as approved and adopted by the Council.

A. Action by the Planning and Zoning Commission. Upon completing its public hearing on the L (Lodging) District application, the Commission shall transmit its recommendation to the Council.

- 1. The recommendation of the Commission shall include the reasons for approval or disapproval of the application and if recommended for approval shall give specific evidence and facts showing that the plan meets with the following:
 - a. That the development at the location proposed is generally consistent with the goals, objectives, densities and policies of the Sedona Community Plan or specific plan for the area and is consistent with the purpose statements set forth in section 629.01.
 - b. That the development at the location proposed and the development standards to be followed or maintained will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

B. Action of the City Council. Following the conclusion of its public hearing, the Council may approve the hotel, motel, timeshare or similar lodging project, stipulating those conditions it deems necessary to carry out the purpose of this Code. If the L (Lodging) District is approved, it shall be incorporated as part of the Zoning Map. The Council shall include the reasons for approval or disapproval of the application and shall give specific evidence and facts showing that the application meets with the following:

- 1. That the development at the location proposed is generally consistent with the goals, objectives, densities and policies of the Sedona Community Plan or specific plan for the area and is consistent with the purpose statements set forth in section 629 .01.
- 2. That the development at the location proposed and the development standards to be followed or maintained will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

C. The action of the Commission and Council may include reasonable additional conditions and/or

modifications to promote the purpose of this District and this code.

629.06 Amendments to the Development Plan. Any amendments to the approved plans shall be accomplished in the same manner as the original rezoning application procedure as prescribed in Section 400, with the exception of minor amendments as specified below. The following procedure shall be followed for any amendment to an L (Lodging) District, including amendments to a development phasing schedule.

A. Major Amendments

1. An applicant or his successors in interest may file a request for a major amendment with the Director.
2. The change will be deemed major if it involves any one (1) of the following:
 - a. An increase in the approved totals of units for the L (Lodging) District.
 - b. A significant change in the zoning district boundaries as determined by the Director, from those approved for the L (Lodging) District.
 - c. Any change which could have significant impact on areas adjoining the L (Lodging) District as determined by the Director.
 - d. Any change which could have a significant traffic impact on roadways adjacent or external to the L (Lodging) District as determined by the Director.
3. The Director will bring the major amendment before the Commission and the Council and will submit background material and recommendations.

B. Minor Amendments.

1. A L (Lodging) District applicant or his successors in interest may file a request for a minor amendment with the Director.
2. The request will be routed for comment to any affected City departments or other agencies.
3. Upon receipt of comments, the Director will determine whether the requested change is minor or major.
4. If the requested change is determined to be minor, an amended plan shall be submitted for public record.